



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 5, 2016

Adrian Culici
10640 Sepulveda Blvd.
Mission Hills, CA 91345

**REGARDING: PROJECT NO. R2015-02580-(5)
CONDITIONAL USE PERMIT NO. 201500107
ADJACENT TO 3902 MOUNTAIN VIEW AVENUE, EAST PASADENA
(APN #5755-016-007)**


Hearing Officer Susie Tae, by her action of **January 5, 2016**, has **DENIED** the above-referenced project. Enclosed are the Hearing Officer's Findings.

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **January 19, 2016**. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

For questions or for additional information, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings
c: Hearing Testifiers (Speaker Cards)

MM:SM

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02580-(5)
CONDITIONAL USE PERMIT NO. 201500107**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500107 ("CUP") on November 3, 2015, December 1, 2015, and January 5, 2016.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize the construction and operation of a new wireless telecommunications facility (WTF) ("Project") located in the public right-of-way in front of a single-family residence located at 3902 in the unincorporated community of East Pasadena ("Project Site") in the R-1 (Single-family Residence) zone pursuant to Los Angeles County Code ("County Code") section 22.20.100.
3. The Project is located in the public right-of-way in front of a single-family residence at 3902 Mountain View Avenue.
4. The Project Site consists of a circular area of 14 inches diameter for a new wood utility pole in the public right-of-way in front of a legal lot containing a single-family residence.
5. The Project Site is located in the public right-of-way in the East Pasadena Zoned District and is adjacent to a property zoned R-1 (Single-family Residence).
6. The Project Site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan Land Use Policy Map.
7. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1 (Single-family Residence)
 - South: R-1 (Single-family Residence)
 - East: R-1 (Single-family Residence)
 - West: R-1 (Single-family Residence)
8. Surrounding land uses within a 500-foot radius include:
 - North: Single-family Residences
 - South: Single-family Residences
 - East: Single-family Residences
 - West: Single-family Residences
9. The Project Site is located in the public right-of-way adjacent to property that was zoned R1 in 1931. Plot Plan and construction permit approvals exist on the subject lot for a guest house and a circular driveway.
10. The site plan for the Project depicts the proposed WTF consisting of a new 45-ft. long, 13.69-in. diameter wood utility pole to replace an existing 40-ft. long wood utility pole in the public right-of-way in front of an existing single-family residence. The new pole would be located in front of a single-family residence at 3902 Mountain View Avenue near the property line adjoining 3862 Mountain View Avenue. 6 ½ feet of the pole would be anchored underground. The pole would be topped with a cylindrical canister antenna and shroud and

have two remote radio units installed below the canister and shroud. The total height of the new pole with canister antenna and shroud would be 41 ft., 6 in. above grade level. An existing street light fixture on the existing utility pole would be removed and installed onto the new pole.

11. The Project Site is accessible via Mountain View Avenue to the east and west and is accessible from the street.
12. The Project provides adequate street parking for maintenance and construction vehicles.
13. Wireless telecommunications facility projects do not require consultation with other County departments. If a wireless telecommunications facility project is located in the public right-of-way, an encroachment permit from the Los Angeles County Department of Public Works shall be obtained prior to construction.
14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project would have required minimal construction for the replacement of the existing utility pole and the installation of the new facility.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
16. Staff has received comment letters from six individual households opposed to the project and an opposition petition containing 51 signatures. Opposition consisted of requests to change the hearing location to a venue within East Pasadena and at an evening time, concerns about health risks associated with wireless facilities, aesthetics, a decrease in property values, future expansion of the facility if it were approved, and how the approval of the project would set a precedent for more wireless facilities to be built in the neighborhood.
17. A duly noticed public hearing was held on November 3, 2015, before the Hearing Officer. Hearing Officer Susan Tae was in attendance for the Public Hearing. The applicant's representative, Rob Searcy, presented testimony in favor of the request and answered questions presented by the Hearing Officer. Four members from the community testified in opposition to the project and expressed concerns including lack of information about the project and not being able to communicate directly with Verizon for more information, requesting that the hearing venue be changed to a location within the community, concerns about future expansion of the facility or other wireless companies coming into the neighborhood if approved, that the applicant's Burden of Proof has not been met with insufficient information being provided to show that the facility is completely safe, a request for the applicant to provide examples of facilities with similar designs located in residential neighborhoods and to provide other alternate project sites located outside of residential areas, line of site issues from driveways to the street from the placement of the proposed electrical meter box, health and safety concerns related to wireless electronic transmissions, and concerns with devaluation of property. Mr. Searcy provided rebuttal testimony in response to the comments. There being no further testimony, Ms. Tae continued the hearing to December 1, 2015, to allow additional time for the applicant to refine their

alternate sites analysis and to conduct an informational community meeting to discuss the proposal.

A duly noticed public hearing was held on December 1, 2015, before the Hearing Officer. Hearing Officer Susan Tae was in attendance for the Public Hearing. The applicant's representative, Rob Searcy, presented testimony in favor of the request, including a redesign of the project to eliminate one Remote Radio Unit (RRU) which also allows for the elimination of the ground-mounted electric meter pedestal from the project, and answered questions presented by the Hearing Officer. Mr. Searcy gave a brief summary of issues that were addressed at the community meeting that was held on November 16, 2015. Among these issues was the need to find a suitable site within a designated search ring and the removal of the proposed electrical meter pedestal. Mr. Searcy stated that alternate sites outside of the residential area and within nearby commercial areas were not analyzed because the closest commercial areas would be outside of the project's designated search ring and would not provide the desired coverage needed. Ms. Tae stated that this additional analysis was needed in order to further support previous alternate site information that has been supplied by the applicant. Four members from the community testified in opposition to the project and expressed concerns including devaluation of property values, health effects, and the applicant providing insufficient information regarding alternate sites and examples of other similar facilities. Mr. Searcy provided rebuttal testimony in response to the comments, including a statement that prospective homeowners often consider adequate cellular service coverage when buying a home and that a primary objective of the project is to increase data capacity of the existing cellular network. There being no further testimony, Ms. Tae continued the hearing to January 5, 2016, to allow time for the applicant to provide additional information to their alternate sites analysis regarding the coverage objective, additional photo simulations, and more details to support the conclusions in the analysis.

A duly noticed public hearing was held on January 5, 2016, before the Hearing Officer. Hearing Officer Susan Tae was in attendance for the Public Hearing. The applicant's representative, Rob Searcy, presented testimony in favor of the request and answered questions presented by the Hearing Officer. Three members from the community testified in opposition to the project and expressed concerns about future wireless facilities being built in the neighborhood if the project were approved, construction disruption to the community, dissatisfaction with examples of other similar facilities provided by the applicant, the proposed meter pedestal, and restated their opinion that the facility should be located in a commercial area of the neighborhood. Mr. Searcy provided rebuttal testimony in response to the comments and answered questions from Ms. Tae regarding the updated Alternate Site Analysis and RF Coverage maps. There being no further testimony, Ms. Tae stated that the project did not meet the goals and policies set forth in the Countywide General Plan for maintaining and conserving sound existing development and for maximizing improvement of the quality and accessibility of critical urban services and high quality emergency response services, that the applicant's updated RF Coverage maps did not justify the need to place the project at the proposed location given that other alternatives were provided by the applicant, and that the applicant should reevaluate the option of placing a facility within the commercial corridors of the neighborhood which are within approximately one-quarter mile of the proposed site. Ms. Tae then closed the public hearing and denied the applicant's request.

18. The Hearing Officer finds that the project site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan. This designation is intended for areas particularly suitable for single family detached units and intended to maintain the character of existing low density residential neighborhoods. The proposed

WTF at this location will alter the existing character of the surrounding single family residential neighborhood and is therefore inconsistent with the permitted uses of the underlying land use category.

19. The Hearing Officer finds that Title 22 of the Los Angeles County code (Zoning Ordinance) does not specify WTF as a use. The use most closely matching a WTF specified in the Zoning Ordinance is radio or television stations and/or towers. Pursuant to Section 22.20.100 of the County Code, development of radio and television stations and towers is a permitted use in Zone R-1, provided that a CUP is obtained. The proposed wood utility pole and all pole-mounted equipment of the proposed facility complies with the County's Subdivision & Zoning Ordinance Policy memo No. 01-2010 that establishes policies and guidelines regarding permits for the siting and maintenance of WTFs. With the redesign of the project to eliminate the placement of an electrical meter pedestal within the public right-of-way, the project is consistent with Subdivision and Zoning Ordinance Policy No. 01-2010, which states that all appurtenant wireless facility equipment that is not structure-mounted and within the public right-of-way shall be placed underground if feasible. Since it is feasible for the facility to run on flat rate power, the electric meter pedestal was removed from the proposed project.
20. The Hearing Officer finds that the proposed facility will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the community, but is not necessary at this location to provide wireless communications to this particular area of Los Angeles County and the surrounding communities.

The proposed wireless telecommunications facility at this location is not necessary in order to provide wireless services to the surrounding community, including traditional wireless services such as wireless digital telephone service, mobile broadband and data transmission services. This technology does not interfere with radio, television or other communications signals, and all matters pertaining to health and safety and signal interference are within the sole province of the FCC.

The facility would not have had growth-inducing implications, or promote additional development or a change in the density of surrounding residential and open space areas. Substantially no additional noise, smoke, or odor impacts would have been generated and no additional parking would have been required for the proposed facility. Further, the proposed facility would not have interfered with the quiet enjoyment of neighboring land uses.

If approved, this telecommunications facility would not have endangered the public health, safety or general welfare. In fact, this site, as part of a larger network, provides access to wireless telecommunications in the event of an emergency. Wireless communication technology provides vital communications in "E911" and other emergency situations.

21. The Hearing Officer finds that the facility may impair the use or enjoyment of, or be otherwise injurious to, property in the immediate vicinity as expressed by concerned residents of the community.

The proposed facility is consistent with the primary established uses within the Right-of-Way providing access to transportation services and the conveyance of utility services. The project proposes to replace an existing utility pole and install an antenna radome canister and RRU's.

22. The Hearing Officer finds that the facility would not have been staffed and would have required only infrequent maintenance visits (approximately one time a month). Further, no public access is required. There would have been no impact to the existing traffic patterns nor would there have been any traffic hazards or nuisances generated. The proposed project is consistent with the State franchise granted by the California Public Utilities Commission that provides for the conveyance of utility services within the ROW consistent with local regulatory standards.

The proposed facility would have been supplied with electric service. No water, sewer, refuse or other additional services would have been required.

23. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the East Pasadena community. On September 24, 2015, a total of 336 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the East Pasadena Zoned District and to any additional interested parties.
24. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use is not consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE HEARING OFFICER:

1. Denies Conditional Use Permit No. 201500107.

ACTION DATE: January 5, 2016

MM:SM
01/05/16

c: Hearing Officer